

**SUFFOLK COUNTY LEGISLATURE
SPECIAL MEETING
FIFTEENTH DAY
OCTOBER 6, 2005**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

MINUTES TAKEN BY
LUCIA BRAATEN, COURT STENOGRAPHER

[THE MEETING WAS CALLED TO ORDER AT 9:07 A.M.]

P.O. CARACAPPA:

Roll call.

MR. BARTON:

Good morning, Mr. Chairman.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. O'LEARY:

(Not Present)

LEG. VILORIA • FISHER:

(Not Present)

LEG. LOSQUADRO:

(Not Present)

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

(Not Present)

MR. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present)

LEG. VILORIA • FISHER:

Henry, I'm here.

MR. BARTON:

Thank you.

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present)

LEG. TONNA:

(Not Present)

LEG. COOPER:

(Not Present)

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

I'm here.

LEG. LINDSAY:

Did you get me, Henry?

MR. BARTON:

Yes, I did, Mr. Lindsay.

LEG. O'LEARY:

Henry, I'm here as well.

MR. BARTON:

10. Yes, Mr. O'Leary.

P.O. CARACAPPA:

We have a quorum. Everyone, please rise for a salute to the flag, led by Legislator Carpenter.

(SALUTATION)

P.O. CARACAPPA:

Good morning.

LEG. ALDEN:

I would request a moment of silence for those serving and those who have given their lives for this country.

(MOMENT OF SILENCE)

Thank you.

P.O. CARACAPPA:

Thank you, Legislator Alden.

P.O. CARACAPPA:

Mr. Clerk, please read the Special Meeting notice.

MR. BARTON:

Dated October 3rd, 2005, to all County Legislators from Joseph T. Caracappa, Presiding Officer. "Please be advised that a Special Meeting of the Suffolk County Legislature will be held on Thursday, October 6th, 2005 at 9 a.m., in the forenoon in the Rose Caracappa Legislative Auditorium, located at the William Rogers Legislature Building, 725 Veterans Memorial Highway, Hauppauge, New York, pursuant to Section •6(B) of the Suffolk County Administrative Code for the following purpose:" A public portion, followed by consideration and voting on 1958, and the third item, to lay bills on the table. Signed by the Presiding Officer and distributed to all Legislators.

P.O. CARACAPPA:

Thank you very much, Mr. Clerk. I'll go right to the public portion. First speaker is Joe May. Just so the public knows, you have three minutes. It's not a question and answer period. After your three minutes, I will ask you to please sum up so that I can move on to the next speaker.

Good morning, Mr. May.

MR. MAY:

Good morning. My name is Joe May. I live at 72 Riviera Drive in Mastic. I'm a member of the Mastic Park Civic Association. I've worn different hats for the last 20 years as a civic activist in southeast Brookhaven.

This morning I bring before you the issue of Forge River. Four months ago, June, the residents called in a sewage smell, the river looks like sewage. July 13th, there was a meeting on the waterfront with about 200 residents. When I spoke that day, there were County officials there, elected and otherwise. Pete was there. I asked for soil samples of the entire river to monitor the river, and I believe there was a sewage dump in the river.

There was a ten•page handout that day from the County Health Department. I believe it was incorrect and false in many statements. I've handed out four individual things, maps, one to the Presiding Officer, one to Pete O'Leary, Mr. Foley, if he was here, I think he handles Moriches Bay or the outer beach, and there was one more to the Law Department, because I put in two FOIL requests.

If I can go to the little handout that I did, it's a map of Forge River, and in the right•hand corner, the results of the different months, the last few months. In July, the Health Department put out, like I say, an incomplete report that I saw the data on it. In August, Save the Forge River Committee, the fecal matter of the tests come back 17,000 per 100. The legal limit or to close a beach is 1,000.

In September, Peconic Baykeeper, the fecal matter tests were 15,000 to 160,000. One thousand closes beaches, it's a health hazard.

I would ask you to either close the river, post it for health hazards at this time. Other remedies, the second page on the handout is basically the •• Page 5 of that report stating 1,000 is the limit. On Page 6 of that report, south of the railroad tracks off the river was 3,000. That was the County on the 21st of June. Something should have been done back then. I hate to be the whipping boy, but sometimes I do this when I get to the mike.

The other one was DEC was also involved the last four months, and, as a civic, we handed out a petition. We got about two or three hundred names on it. And, basically, it was asking the DEC to step forward and put the river on the Impaired Waters List. We ask you, as the County

representatives, to also petition the State to place the river on the impaired list.

P.O. CARACAPPA:

Sum up, Mr. May. Thank you.

MR. MAY:

I'm trying to think what else I had in there, just short, for the County to get involved. Joe, could I have just 30 seconds, please?

P.O. CARACAPPA:

Go ahead.

MR. MAY:

Also, I'd ask the County to put a Task Force in place. Newspaper articles stated that the County would do such. A Task Force is important to move it forward.

And the FOIL reports that I've handed to the Law Department here reference to water quality tests for the last 10, 15 years, from 1990 or so up to this point, as far as the County has tested the river, because they told us that the river has a history of the bad condition that it's in. I'd like to see the history.

Lakeside Apartments, recent, citizens have call me and stated that there is possibly an investigation ongoing in the last few days reference the pollution of the river. I would like to have all the information and that in the FOIL report also. Thank you, Joe. Thank you.

P.O. CARACAPPA:

Thank you, Joe. Thanks for coming down this morning. Next speaker, Kevin Rooney. Good morning, Kevin.

MR. ROONEY:

Good morning. Good morning, Presiding Officer Caracappa, members of the Legislature. For the record, my name is Kevin Rooney. I am the Chief Executive Officer of the Oil Heat Institute of Long Island.

On four separate occasions over the past two years, I have appeared before this Legislature, or various committees thereof, to voice our strong and unequivocal opposition to the economically dubious proposition that life's essential commodities, food, water, light, and heat, should be subject to local sales taxes. Without wishing to sound like a broken record, today is no exception.

As previously noted, once imposed, sales tax revenues become over time an integral and indispensable portion of total government revenues. Dependence upon them becomes systemic, and like drugs to an addict, withdrawal is both difficult and painful, if not impossible. A general downturn in the economy has already reduced sales tax revenue projections for the coming fiscal year. Some claim that this situation would be made worse by a proposal before you today to roll back temporarily a portion of the energy sales tax. Revenue losses in one area invariably need an offset, either a commensurate reduction in government expenditures, or an increase in other taxable areas such, as the property tax. And so the argument regrettably devolves down to one of process and procedure, that is which branch of government has the right to raise necessary taxes, rather than one concerning the economic validity of sales taxes themselves and the obvious inequity of their imposition on those County residents of modest financial means.

In light of the inherent volatility of energy commodity markets, energy sales taxes are the worst, most unpredictable form of governmental tax dependence. Forward year revenue projections can change dramatically due to either warmer or colder than normal weather affecting energy consumption, or ultimately higher or lower energy commodity prices. Energy costs and consumption patterns are simply too unpredictable, with too many variables to provide a reliable basis for projecting future year tax revenues. Somehow, our County government must find a way to wean itself off this revenue source.

The proposed 1% six-month rollback in the home energy sales tax will provide some modest relief to financially hard-pressed consumers. More importantly, however, it is a positive step in the right direction of restoring both sanity and equity to the collection of taxes. We applaud those members of this Legislative body who support this proposal, and we urge its expeditious enactment. Thank you.

P.O. CARACAPPA:

Thank you. Ben Zwirn.

MR. ZWIRN:

Good morning, members of the Legislature. I'm Ben Zwirn. I'm here representing the County Executive today, who is in support of a rollback of the energy tax. He'd like to thank Legislator Alden once again for working with him to suspend the tax, at a time when oil prices, gas prices and LIPA rates are sky•rocketing.

The 13 to 17 million dollar tax relief that will be granted is not insignificant, and the numbers could grow with the increasing cost of fuel energy. Despite the enormous pressures that Legislator Alden has been under, he has worked with us to cut this tax in a very fiscally responsible and financially prudent manner, without resorting to a tax increase someplace else in the budget, or an adjustment to some other revenue, or rating, or reserve fund, and for that, we thank him.

The County Executive was very disappointed with the defeat of the Alden/Levy tax cut proposal last week, and the County Executive offered yet another compromise clause, which read, "RESOLVED, that the energy tax suspension contained here in has been fully funded in the recommended 2006 Operating Budget without resort to a tax increase, use of an existing reserve fund, use of the contingency account or any other adjustment to revenues, and can be fully implemented without resorting to a tax increase or the use of reserve fund or contingency account."

The only explanation that we heard at the last meeting for rejecting this provision is that some of the members of the Legislature want to have the flexibility to increase spending and raise taxes, and that could only happen now, after Election Day. At the last meeting, Legislator Caracciolo indicated that he wanted to reach the Tax Stabilization Fund, and that means a 5 to 6% tax increase right off the top. Other Legislators said they wanted to increase police classes, and that would raise 13 to 26 million dollars more in taxes in the Police District.

Even in the September 13th BRO report on the energy tax states that the tax rate on home energy and gas should be higher, not lower. The County Executive is concerned that this sounds like an outline of a plan to raise taxes, and that would be the absolute wrong message to send to the taxpayers of this County at this time. A simple commitment to keep a tax cut a tax cut is all the County Executive has asked for, and if this resolution is included, he is

prepared to issue a Certificate of Necessity, if it is asked. Thank you very much.

P.O. CARACAPPA:

Thank you. I have no other cards. Anyone wishing to be heard? Motion to close public portion by myself, second by Legislator Alden. All in favor? Opposed? Abstentions?

Before we get to the agenda, now that the public portion is closed, I guess I can •• I want to address that statement Mr. Zwirn said. You were in the same room, Mr. Zwirn, and where you got half of what you just said, it must have been at a different meeting, because your statement on the record, your press release that you just did, was utterly disingenuous. No one said half the things that you said. There were some hypotheticals thrown out there in an effort to clarify that resolved clause. No one said that they wanted to do anything. We asked you questions, and then you go on the record here and say that it was fact? Disingenuous and wrong. Shame on you. You've been fairer than that lately, but I guess it's that season.

Number two on the agenda, consider and vote on ***I.R. 1958, Establishing a Program to Reduce an Unfair Home Heating Fuel Nuisance Tax on Suffolk County residents.***

LEG. LINDSAY:

Mr. Chairman.

P.O. CARACAPPA:

There's a motion to discharge by Legislator Alden from committee, second by myself. All in favor? Opposed? Abstentions? The bill's before us. Motion to approve by Legislator Alden, second by myself. On the motion, Legislator Lindsay.

LEG. BISHOP:

Put me on the list as well, please.

LEG. NOWICK:

Joe, put me on the list, please.

LEG. LINDSAY:

Yeah. I intend to vote for this resolution this morning, as I did on the prior resolution last week, because I would like to see, although it's a modest tax break for the consumers going

into the winter, I want to see it happen this year, and I don't intend to raise taxes. And I don't think that we •• you know, whether it's in the resolution or it's not in the resolution is immaterial to me, because I'm not voting for a tax increase on any other line.

It was interesting to see Mr. Rooney here this morning to kind of lecture us about sanity and tax responsibility. And I wish he would take that same lecture back to the people that pay him, the Oil Institute, and maybe the oil companies could do something to give the consumer a break this winter as well.

P.O. CARACAPPA:

Thank you. Legislator Bishop.

LEG. BISHOP:

Thank you, Mr. Chairman. I, too, will vote for the resolution, but I do want to make a couple of points. First, I have an objection to the title of the resolution, the unfair notion. When we set this tax rate, which was right after 9/11, and we had a fiscal crisis looming in this County, and • this Legislature took a tough vote and raised taxes, and kept this County afloat and we kept our bond rating strong, and ultimately, in retrospect, we did the right thing. So, to call it now an unfair tax is unfair to us, and it's the kind of political rhetoric we really should •• can do without.

The second notion is that this is a windfall to the County, the fact that home heating prices have gone up so substantially. It's not, because when the consumer has to pay more for home heating oil, inevitably, they are purchasing less of another sector in the economy. And, in fact, we tax other sectors of the economy at a higher rate than we do home heating oil. So the County is actually hurting as a result of this increase. But if we have the money to give this tax break, then we should. And the Levy administration and the Budget Review Office, our people, concur that, at this time, we have •• we can afford this tax.

So it's a small benefit to a consumer who's in a •• who's going to be in a great deal of pain this winter, and so we'll do the right thing by them and pass it. But, if we really want to deal with this issue, what we need to do is develop very strong conservation incentives. Nationally, of course, that needs to be done, but at the local level, we should be looking at some creative ways to help spur conservation at home. So, for example, weatherization products, maybe we

can eliminate the sales tax on those for a period, something to get the consumer •• give them the help they need to reduce their home heating bill.

The second thing that we really need to focus on are those consumers who are on fixed incomes who are seniors and are homeowners. They are going to be in dire straits this winter, many of them. Some of them don't have families that can supplement them. They're going to be out on a limb, and our heat budget is not going to be adequate to take care of them. And so another thing that we need to do very fast is take a look at heat and how we can bolster it and help those folks out. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Those points •• yeah, those points were well made. Legislator Nowick, then Caracciolo.

LEG. NOWICK:

You know, I just need to go on record. I'm so upset when I read that the Suffolk County Legislature on certain pieces of legislation, we vote one way or another simply because of political affiliations. I read that we should be ashamed of our votes. You know, we do not vote haphazardly, we have reasons for what we do. It would be easy to vote on a popular bill in an election year in the affirmative, but you know what, we have to put aside our self-serving votes to make a better bill sometimes. Our jobs and our responsibility to our constituents mandate us to think first, create a better piece of legislation, and then meet again. And, yes, a Special Meeting is inconvenient, but we need to do what's best for our County, and I think that in this case we took the time, we thought out a bill. We didn't do the popular thing because we're running for election, we did what's right, and I'm proud to say we're back here to do the right thing today.

P.O. CARACAPPA:

Thank you, Legislator Nowick. Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you, Mr. Chairman. First, let me commend you to for your remarks earlier with regard to Mr. Zwirn's statement. Let me •• I have a couple of questions for the Budget Review Office. Gail, could you just provide for the record what the County's fund balance was for 2004?

MS. VIZZINI:

The carry-over fund balance from 2004 is a 117 million dollars.

LEG. CARACCILO:

What is the current status or amount in the tax stabilization fund?

MS. VIZZINI:

In this 2006 recommended budget, tax stabilization reserve will probably reach 118 million dollars.

LEG. CARACCILO:

What is the anticipated surplus from the EMHP plan for 2005 and 6?

MS. VIZZINI:

Over those two years, the savings are hoped to reach, across the two-year, close to 20 million dollars.

LEG. CARACCILO:

That is a surplus?

MS. VIZZINI:

It's ••

LEG. CARACCILO:

It's funds?

MS. VIZZINI:

It's a savings.

LEG. CARACCILO:

It's a savings.

MS. VIZZINI:

It's over •• yeah.

LEG. CARACCILOLO:

It's money we're not going to spend.

MS. VIZZINI:

It's money that we won't have to ••

LEG. CARACCILOLO:

We'll have available to spend it, if the Legislature chooses to spend it, otherwise, it will be part of a surplus account somewhere.

MS. VIZZINI:

You could categorize it like that.

LEG. CARACCILOLO:

Okay. What is the anticipated, because we're almost at the end of the year, turnover savings for 2005? And explain what turnover savings means, for the record.

MS. VIZZINI:

Turnover savings is the amount of salaries that have been saved by normal attrition and by a stringent control over what positions get filled.

LEG. CARACCILOLO:

And what is the amount anticipated for this year?

MS. VIZZINI:

In the General Fund, we are probably, at this point, in excess of 10 million dollars. I'd have to check that. It's usually at the latter part of the year where more positions are permitted to be filled, but we have yet to see that on the ••

LEG. CARACCILOLO:

So, conservatively, you feel it will be at least 10 million dollars in that account of unspent payroll •• payroll account?

MS. VIZZINI:

Yes.

LEG. CARACCILO:

Okay. Pay-as-you-go, how much was budgeted, how much would you anticipate will be spent at the end of year?

MS. VIZZINI:

In the budget was 11.7 million. The recommended budget shows that only 3.7 million are estimated to be spent, although we have adopted about 6.5 million in pay-as-you-go expenses through adopted resolutions.

LEG. CARACCILO:

So that would leave about 1 1/2 million dollars at this point.

MS. VIZZINI:

Well, actually, the difference between the 11.7 adopted and the 3 1/2 is closer to million.

LEG. CARACCCIOLO:

Right, but you said there was •• there were a number of resolutions ••

MS. VIZZINI:

Yes. If those transfers are made, it would be the difference between the ••

LEG. CARACCILO:

Right. So we'd have another million•and•a•half. You know, it's interesting, Mr. Chairman, as I've stated time and time again, and, yet, the media has yet to report this, that this County is sitting on a quarter of a billion dollars in excess or surplus funds. And the Executive, through his representative, Mr. Zwirn, has the audacity to come here and suggest to the public, and how the media just gobbles it up and reports it as gospel, what he's saying, that the Legislature is contemplating raising taxes or raiding the Tax Stabilization Fund to pay for this very modest tax relief. Absurd, ridiculous on its face, it has no merit, and I hope somebody in the media would report that.

It's unbelievable. He wants to run for re•election in two years, with probably a Tax Stabilization Fund by that time, it will probably close to 150 million dollars. If he continues to overtax, as his predecessor did, by proposing budgets that have more revenues proposed and continue to wind up with 100 million dollar fund balances every year, boy, what a gimmick that is. I mean, let's report, let's report what really goes on in this County. And it didn't start with Steve Levy and I'm sure it won't end with Steve Levy, but he's continuing a past practice that has built into a budget that has tremendous •• 100 million dollars a year in the last five years, the County, every year except one had 100 million dollar fund balances. Those are surpluses, folks. That's what's going on here. Add to that the 110 in the Tax Stabilization Fund.

And let me ask, what is the Tax Stabilization Fund there for? Isn't it there for an occasion like this, when the consumer and the resident are feeling the pain of something that none of us can control to give them some modest tax relief, or is it there to be part of his slush fund for re•election? That's what's really going on here.

So, again, Mr. Chairman, I want to thank you, and Mr. Bishop for his comments. As he said earlier, that •• you know, that's what the Tax Stabilization Fund is there, to give •• give modest tax relief to residents in times like this. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Caracciolo. Just to add another point to your comment about what the media writes and what they believe as gospel, in fact, there's been some editorials recently about it, and that is the County Executive stating that there's •• he's spending less in discretionary expenses this year than last year, which is another shell game. Just because he's taken what was always a discretionary item within the budget and arbitrarily moved it over to mandated, and we're talking about retirement costs, he can say that he's now reduced expenses in •• from last year when he did a shell game. But, no. Of course, they're going to write a wonderful editorial, first time in 35 years, first time this, first time that. First time in 35 years I saw someone arbitrarily take a discretionary expense and flip it over to mandated for political purposes. Legislator Alden •• oh, Carpenter, then Alden.

D.P.O. CARPENTER:

I would like to basically echo comments of some of the previous speakers, particularly Legislator Bishop's overview of the institution of the heating tax. It was something that we anguished over. I know that everyone that's sitting here today wasn't necessarily a part of that

decision, but it was very, very difficult. There is never a time that Legislators take it lightly when they have to look at increasing expenses, and we felt that it was the right thing to do in that post 9/11 tragedy. So I think it's important to keep that in mind.

And I do, too, take offense to the word "unfair", because it was never meant to be something to be unfair, it was something that we felt needed to be done. No tax is fair. I mean, none of us likes paying taxes, I think we could say that they're all unfair, but it's part of what you have to do to enjoy the quality of life that we've come to enjoy here on Long Island, especially in Suffolk County.

I think, too, that conservation is something that we need to keep addressing. This body had passed a sense resolution that, fortunately, was adopted by the State in giving tax exemption to solar purchases, and those kinds of initiatives little by little I think will help us make that kind of difference.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Thank you. I guess I'm going to say something a little different. I, I guess, opposed the tax when it came in, wasn't happy with it then and not happy with it now. I supported Legislator Alden in getting rid of •• getting rid of it, not only temporarily, but permanently. But if this is the best Legislator Alden can get, then we should go forward with this. But I think going forward, we should think of something else. And talking about fairness, Legislator Carpenter once said about fairness. We should rethink how we look at this.

We have a certain amount of revenue, and it's what happens when governments get revenue in, they get dependent on it. And so to cut that revenue off and go forward would mean probably to cut programs that are needed. But what we shouldn't be doing is getting a windfall. So I put in a bill that tried to address that by estimating how much the increase would be in the next year, in the cost, and then try to figure out what the tax should be based on that, and each year we should set it. And that was my first thought, but I've actually rethought it recently and had some suggestions made to me in another way to do this. And I'm going to amend my bill, and I don't know if I can get it done before the end of the year, but I think we

should all think about doing it this way.

A stable tax can be gotten by a per cents a gallon tax, or per cents a kilowatt•hour. So, instead of as a percentage, so when the price goes up, we get a windfall, we should avoid that by having usage. It should be tied specifically to usage. So, "X" number of gallons brings in a certain amount. We should figure it out, and we can back into those numbers by figuring it out per kilowatt, per gallon. And I hope we can go forward with something like that, because that's the question of fairness. It wouldn't go up and down in an unstable market, it would be •• really, the only up and down is if you have a cold winter and you have to use extra gallons, then you would pay some cents more. But the per gallon would give us some stability and give the people stability.

I'm going to support this today, because any relief, I don't care what the number is, some throw out, it's too small, it's not significant, it's not enough. Any relief is relief that the people should get. They shouldn't even have this tax in the first place. But I would hope we can go forward with a fairer base, and maybe we could do it per cents a gallon, per cents a kilowatt, and other units. This way everyone would know exactly what they're going to pay by the usage that they use during the year.

P.O. CARACAPPA:

Thank you. I'd like to •• anyone else? Because I want to give Legislator Alden the last word.

LEG. BINDER:

Can I just ••

P.O. CARACAPPA:

Go ahead.

LEG. BINDER:

There's one more thing. I had heard that there was a question with Mr. Rooney, the Oil Heat Institute, about the people that he represents and him bringing on higher costs for the people, for our consumers and his consumers. People should know that the people who sell us oil, you know, all these companies are out there, Lewis, Lewisy, Manor, I can think of all these different names that come over and fill most of our tanks with oil. They make a very specific amount of money between the amount that they buy the oil for and the amount

that they sell it for, and it's very controlled. They don't make a lot of money here. That's not where the problem is. The problem is with the oil companies. That's where we're really getting hurt is the major oil companies, but not •• and I think it's important to know that, that the distributors, the people who bring that stuff, really, that heating oil, that stuff that's life•saving to us, they're not making a killing on the •• when the price goes up, they don't make anymore money. That spread stays the same.

P.O. CARACAPPA:

Okay. Before I give it to Legislator Alden, I'd just like to thank him personally for the work he's put in and the vision he's had with relation to this initiative from the beginning of the year, in fact, going into last year. I know over the last week you've had to deal with quite a bit and you've been a gentleman about it, and you've •• you did the right thing. You allowed us to air our concerns on the original bill. You let us wait a couple of extra days. You changed the language in a bill that was pending and on the agenda. And it's truly appreciated by each and every one of your colleagues, because we do support you in this effort, we do support reducing this tax, and it could have only been done today with your willingness and the way in which you handled the situation.

So I personally would like to say thank you to you. And, yes, I join with you in saying that, no, we don't intend to raise taxes in any, way, shape or form to deal with this. We've said that time and time again, but, unfortunately, that's not the sexy print that's in the •• that they want in the newspaper. But I'll say it one last time, no, we don't intend to raise taxes, but we cannot afford to handcuff ourselves, especially going into a budget cycle, especially out of the budget meetings we've been having over the last week, where we're finding out things within the budget that are slightly troubling and things we'll have to deal with in the upcoming cycle. But that's talk for another day. And I, again, want to just say to you, Cameron, thank you for your hard work. Legislator Alden.

LEG. ALDEN:

First, let me start by thanking the Presiding Officer for actually calling this meeting. I think it was •• it's too important of an issue to just let go. And the defeat that the bill suffered, the original bill, and it did get defeated and it's gone, but the original bill was very important, and it was aimed at providing relief for people that are going to be suffering very, very dearly this winter.

This Legislature has always been out in front. And on this issue, as the Presiding Officer just pointed out, it's been over a year that we recognized and started the debate on whether we were going to do something, whether it be a small amount to try to provide relief for people.

And I thank Legislator Lindsay for actually slowing me down on this, continuing the dialogue, because when I first brought it up, which is almost a year ago now, it probably wasn't the right time to do it, and during the budget cycle is the right time. So I thank you for your support, but I also thank you for, you know, like leadership in slowing this down and putting it in the right time frame to actually effect a change and maybe even give some relief.

I was going to •• well, I actually am going to thank Legislator Bishop for his past support on the bill, and then I'm going to take exception with a couple of his comments that were just recently said. But thank you, Dave, for your support, and even in the attempt that you made to get the bill passed at last Tuesday's general session.

This bill isn't about politics, this bill is about little things that we see in Newsday where here's a price of electricity, home consumption, and while it goes up slightly, the trend is up, there's a sharp line that just goes straight up. This is the bill that people pay to stay in their houses. And we've talked a lot in this Legislature about affordable housing, and I can't think of one thing more that we can do, as far as providing affordable housing, than making sure that people can live in their houses. They can afford to live in their houses.

When you have energy costs going up like people have right now, it's not about politics. This government is by the people, but we lose track of something, it's for the people. So, to label a piece of legislation an unfair home heating tax, who cares if it's unfair •• if it's not unfair to us. It's unfair to the people that are paying it. If you're on a fixed income, you can't afford it. You're going to be faced with choices this winter. And the people that don't make a lot of money, they're going to be forced to make choices this winter.

The energy costs, they're not going down. Oil just hit three dollars a barrel •• or not three dollars a barrel, three dollars a gallon. That's home heating oil coming up. People are going to have to choose between heating their home, keeping their families warm, and eating or buying medicine. And this Legislature can do something today, and that's set an example, number one, to other levels of government that •• charging people to live in their homes is not what

government should be about, it's not for the people. It is unfair to tax them on things that they absolutely need to keep their families warm and keep their families safe, so it is unfair, not to us. Who cares about us? It's unfair to the people that have to pay that tax. The people on fixed income, the elderly, where do they get extra money?

When the tax rises right along with the price of a gallon of oil, or the price rises when LIPA just raises their surcharge, where do they get the extra money to do that, to make that payment? We are absolutely doing something right now, and even if it's only pennies, as was pointed out by another Legislator, those pennies belong in the people's pocket. And we're going to set an example, and I hope we do pass this today, we're going to set the example that government can do something, even if it's •• and wants to do something for people. We see and feel your pain. That's what we were elected to do, to make sure that you could stay in your homes.

So I'm glad that we're having this meeting today. I'm glad we had the debate on whether we should do this or not. Also, just to point out, please don't vote for this if you intend to raise another tax, because the intent and the full intent has always been, and I've been up front about that since I introduced the bills a long time ago, and there's been a series of these bills that I've put out there, the intent is not to raise a tax to pay for this, for the shortfall in revenue. So don't vote for it today if you intend to go and raise the tax on •• in some other area of government like property tax, or something like that, to pay for this today. And I thank you then for your support, and I hope this actually passes.

P.O. CARACAPPA:

Legislator Cooper wants to speak.

LEG. COOPER:

Legislator Bishop and Legislator Alden raised the question about whether or not this is an unfair tax, but, you know what, if we're talking about unfair, the real bad guy in this, because even if we eliminate this tax completely, it's going to have minimal impact on anyone's pocketbook, like \$50 a year or something, the real bad guys in this are the big oil companies. Mobile, Chevron, Exxon, Texaco, they're the ones ripping off consumers, they're the ones responsible for gasoline prices going up 50%, 70%, home heating oil prices going up 100%. And, I mean, I've read that the oil and the fuel that is now being sold at inflated prices was blamed on the

fact that refining capacity was reduced in the aftermath of Hurricane Katrina, but it's been widely reported that they're selling •• they raised prices on oil and fuel that was refined six months ago, nine months ago. So talk about price gouging and profiteering. They're the real bad guys.

And I don't know whether we'll be voting on Sense 73 that Presiding Officer Caracappa introduced. I wish that this could be expanded, because right now it talks about an investigation into gasoline prices. They should also look at an investigation into home heating oil prices, because it's all interrelated. And, you know, this is what could have a real impact on consumers, because the federal government has dropped the ball on this. Thank you.

LEG. ALDEN:

May I just address that? Well said, Jon. Thank you.

P.O. CARACAPPA:

Okay. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

That's approved unanimously.

LEG. COOPER:

Cosponsor. Cosponsor, Henry.

LEG. BINDER:

Yes.

LEG. MYSTAL:

All of us.

LEG. BINDER:

I think everybody.

MR. BARTON:

Anybody not wish to join? Okay.

P.O. CARACAPPA:

Just raise your hand if you want to be a cosponsor. Raise them high, raise them proud.

MR. BARTON:

Got them. Thanks.

P.O. CARACAPPA:

Okay. The next item on the agenda is to lay any bills on the table.

LEG. ALDEN:

Thank you.

P.O. CARACAPPA:

Congratulations, Legislator Alden, by the way. I'll make a motion to waive the rules and lay on the table, second by Legislator Carpenter, the following bills: 2145, which will go to Public Works; 2146, to Public Works; 2147, to Parks; and sense 73, which will go to Consumer Protection. There's a motion and a second. All in favor? Opposed? Abstentions? Those bills are laid on table and will be in the committee cycle.

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

Any other business to come before this Legislature? Thank you very much, everyone. We're adjourned.

[THE MEETING WAS ADJOURNED AT 9:48 A.M.]

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